

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES I. REID,

Defendant-Appellant.

UNPUBLISHED

June 7, 1996

No. 168247

LC No. 92 117465 FC

Before: Reilly P.J., and Michael J. Kelly, and C.L. Bosman,* JJ.

MEMORANDUM.

Defendant was convicted of armed robbery, MCL 750.529, MSA 28.797, carrying a concealed weapon, MCL 750.227; MSA 28.424 and possession of a firearm during the commission of a felony, MCL 750.227b, MSA 28.242(2). Defendant later pleaded guilty of being an habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced as an habitual offender to a prison term of five to twenty years, and received a two-year term for the felony firearm. He appeals as of right. We affirm.

Defendant argues that he was denied a fair trial by the prosecutor's misconduct. He contends that the prosecutor appealed to the juror's racial fears and fears about crime, vouched for the credibility of the victim, appealed to the jurors' sympathy for the victim, shifted the burden of proof to defendant and injected innuendo that he was guilty of other crimes. We have reviewed the challenged remarks, many of which defendant did not properly preserve for appellate review. As to the remarks to which defendant did not object at trial, we believe that curative instructions could have eliminated any prejudicial effect and no miscarriage of justice will result from our failure to consider the issue further. *People v Stanaway*, 446 Mich 643; 521 NW2d 557 (1994). As to the remarks that were properly preserved for our review, we conclude that they did not deny defendant a fair and impartial trial. *People v Guenther*, 188 Mich App 174, 181; 469 NW2d 59 (1991).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Maureen Pulte Reilly

/s/ Michael J. Kelly

/s/ Calvin L. Bosman